

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION
NO. 16-12381-IT**

**LAWRENCE JACKSON,
Plaintiff,**

vs.

**WOODS HOLE OCEANOGRAPHIC INSTITUTION,
Defendant.**

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Now comes the Defendant, Woods Hole Oceanographic Institution, (hereinafter referred to as “Defendant” or “WHOI”) in the above-entitled action, by and through its undersigned counsel, Clinton & Muzyka, P.C., and submits its Motion for Summary Judgment.

This is a personal injury action pursuant to the Jones Act and General Maritime Law. Plaintiff was a cook and steward onboard the R/V ATLANTIS between approximately February 19, 1997 and July 18, 2016. He claims progressive hearing loss that occurred during his employment onboard this vessel, which spanned nearly 20 years. He claims excessive noise onboard the ATLANTIS caused this hearing loss. Plaintiff testified at his deposition that he first knew about the noise almost immediately- in 1997. Plaintiff testified at his deposition that he first knew about his hearing loss being caused by vessel noise in 2008. He reported his occupational hearing loss to several treating health

care providers prior to November 22, 2013. Plaintiff filed this Civil Action on November 22, 2016.

Accordingly, there is no genuine issue of material fact that Plaintiff's claim is time barred on account of the three-year statute of limitations for maritime personal injury actions. 46 U.S.C. § 30106. Plaintiff's complaint, therefore, should be dismissed as a matter of law.

WHEREFORE, and for the reasons set forth in the accompanying Memorandum, the Defendant respectfully prays that the Honorable Court enter Summary Judgment in favor of the Defendant and dismiss Plaintiff's Complaint as a matter of law pursuant to 46 U.S.C. § 30106.

Respectfully submitted,
WOODS HOLE OCEANOGRAPHIC
INSTITUTION
By its attorneys,
CLINTON & MUZYKA, P.C.

/s/ Thomas J. Muzyka

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 19, 2018.

“/s/ Olaf Aprans”

Olaf Aprans